UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,511	12/12/2003	Wayne H. Rothschild	47079-00237USPT	5842

70243 7590 07/25/2007

NIXON PEABODY LLP
161 N CLARK ST.
48TH FLOOR
CHICAGO, IL 60601-3213

EXAMINER	
D'AGOSTINO, PAUL ANTHONY	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
07/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/735,511	ROTHSCHILD ET AL.	
	Examiner	Art Unit	
	Paul A. D'Agostino	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/15/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/12/2003 and 2/15/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

REMARKS

1. The specification was objected to as failing to provide proper antecedent basis for "a casino floor," "a casino," and "geographic region," as stated in claims 2 and 24. In view of the amendments made to the specification, the claim objection is withdrawn.

2. Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the Applicant regards as his invention. In view of the amendments made to claim 6, the claim rejection is withdrawn.

3. Claim 30 was rejected under 35 U.S.C. § 112, second paragraph, because the term "substantially" was found to be a relative term that renders the claim indefinite. In view of the amendments made to claim 30, removing the term "substantially", the claim rejection is withdrawn.

4. Claim 6 was also objected to under 35 U.S.C. § 112, fourth paragraph, as being in improper dependent form for failing to further limit the subject matter of a previous claim. In view of the amendments made to claim 6, the claim rejection is withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

6. Claims 1,2, 4, 5, 8, 9, 10, 11, 12, 16-19, 21-25, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Timothy C. Loose (US 2003/0130033 A1). Regarding claims 1,2, 4, 5, 8 and 10, Loose discloses the drawings and referring initially to Fig. 1, there is depicted a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. (See page 1, paragraph 0010) The bonus feature may be played on the video display 12 or a secondary mechanical or video bonus indicator distinct from the video display 12. If the bonus feature is played on the video display 12, the bonus feature may utilize the display images of the basic game or may replace the basic game images with bonus-specific images. Also, the bonus feature may depict one or more animated events and award bonus amounts based on an outcome of the animated events. (See page 1, paragraph 0011) As best shown in Fig. 2, to allow the plurality of lamps 20 on one

gaming machine 10 to flash in synchronization with the lamps on adjacent gaming machines, the top box display 16 further includes a left sensor 22, a right sensor 24, a left emitter 26, and right emitter 28. The signals emitted from the respective emitters 26 and 28 are preferably pulses of a predetermined duration so that the sensors 22 and 24 are immune to ambient signals such as light. (See page 2, paragraph 0014) Also, Fig. 3 describes an order in which the bonus occurs in a bank of gaming machines. (See page 2, paragraph 0020) Instead of or in addition to using the marquee 18 and the flashing lamps 20 in the top box display 16, the top box display 16 may employ a dot matrix, CRT, LED, LCD, electro-luminescent, or other type of video display known in the art. Also, the display indicia to be synchronized among the bank of gaming machines may include video elements, such a video image of a moving object. The video elements may be presented on a video display used in the top box display 16 or on the main video display 12. (See page 3, 0021).

Regarding claim 9, Loose discloses that the plurality of lamps 20 on each machine 10 are operable in one of four possible lamp sequence modes. (See page 2, paragraph 0015) That means that each mode has a certain step sequence that it follows.

Regarding claim 11, Loose discloses Fig. 3. The order of steps 30, 32, and 34 in the illustrated flow diagram causes the machine in the bank that is the first to enter the bonus mode to control the lamp sequence modes of all of the other machines in the bank. If the predetermined game-related event subsequently occurs on one of these other machines while the bonus mode of the "dominant" machine is still operating, the

second machine does not enter the bonus mode because steps 30 and 32 of the illustrated flow diagram precede and therefore divert flow away from step 34. (See page 2, paragraph 0020).

Regarding claims 12, 18, and 19, Loose discloses a method and gaming machine for generating display in synchronization with an adjacent gaming machine. The display indicia that is shown on the display of the machine may very depending upon whether it is generated in response to the first signal or in response to the game-related event. The second signal may be detected by yet another adjacent gaming machine which, in turn, generates the display indicia on its display. (See page 1, paragraph 0004) If the bonus mode is selected out of the four different modes, it can be played on the video display 12. The bonus feature may utilize the display images of the basic game (e.g., slot reels in a slop game) or may replace the basic game images with bonus-specific images. (See page 1, paragraph 0011).

Regarding claim 16, Loose discloses Fig. 1 that shows how the three gaming machines are located proximate each other and talks about a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. (See page 1, paragraph 0010).

Regarding claim 17, Loose discloses that the plurality of lamps 20 on each machine 10 are operable in one of four possible lamp sequence modes. (See page 2, paragraph 0015), meaning that each mode has a certain step sequence that it follows.

Regarding claims 21, 22, 23, 24, and 29, Loose discloses a bank of adjacent gaming machines or two or more or plurality operable to generate synchronized display indicia in accordance with the present invention. In response to a wager, a central processing unit within the machine 10 randomly selects a basic game outcome from a plurality of possible outcomes and visually represents the selected outcome on a display such as a video display 12. (See page 1, paragraph 0010) One or more of the basic game outcomes may trigger a bonus feature. If the bonus feature is played on the video display 12, the bonus feature may utilize the display images of the basic game or may replace the basic game images with bonus-specific images. The bonus feature may depict one or more animated events and award bonus amounts based on an outcome of the animated events. (See page 1, paragraph 0011) Also, in accordance with the program routine, the plurality of lamps 20 on each machine 10 are operable in one of four possible lamp sequence modes. One of the modes is bonus mode. (See page 2, paragraph 0015). Instead of or in addition to using the marquee 18 and the flashing lamps 20 in the top box display 16, the display may employ a dot matrix, CRT, LED, LCD, electro-luminescent, or other type of video display known in the art. (See page 3, paragraph 0021).

Regarding claim 25, Loose discloses Fig. 1 that shows how the three gaming machines are located proximate each other and talks about a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. (See page 1, paragraph 0010).

Claim Rejections. 35 USC§ 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timothy C. Loose (US 2003/0130033 A1) in view of Scott Slomiany et al (US 6,648,757, B1).

Loose discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches of a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention and further wherein the bonus feature that is displayed on the video display 12 may utilize the display images of the basic game or may replace the basic game images with bonus-specific images (See page 1, paragraphs 0010 and 0011). However, Loose does not teach all the types of bonus awards or of an award based on one or more player characteristics of players of said gaming machines.

Slomiany teaches a bonus game that includes a plurality of selection elements, a number of which are associated with an award of coin(s) or credit(s) and a number of which are associated with an end-bonus penalty (See abstract) and of a bonus game that is a quantity-based in which the player is credited an amount of coin(s) or credit(s)

based on the number of successful trials of the bonus game (See abstract) in order to provide new types of bonus games to satisfy the demands of players and operators (Col. 2 Lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the bonus game as taught by Slomiany into the teachings of Loose in order to provide order to provide new types of bonus games to satisfy the demands of players and operators.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timothy C. Loose in view of John F. Acres et al (US 5,876,284).

Loose discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. (See page 1, paragraph 0010). However, Loose does not teach a bank of gaming machines communicating with a central gaming machine management system.

Acres teaches that each gaming device includes a data communication node which allows the gaming device to communicate with a floor controller over a current loop network. (See abstract) Also, networked gaming devices are known in the art. Interconnecting a plurality of gaming devices such as slot machines via a computer network to a central computer provides many advantages. Some advantages of a network for operating networked gaming devices include the ability to extract accounting data from the individual gaming devices, to track players and to operate bonus

promotions and progressive jackpots. (See col. 1, lines 14-23) in order to provide a system that integrates player tracking, data collection, and bonusing over the same network (Col. 2 Lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the network as taught by Acres into the teachings of Loose in order to provide a system that integrates player tracking, data collection, and bonusing over the same network.

Claims 13, 14, 15, and 20 are rejected under 35 U.S.C. as being unpatentable over Timothy C. Loose in view of Craig A. Paulsen et al (US 2003/0186739 A1).

Loose discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. The bonus feature that is displayed on the video display 12 may utilize the display images of the basic game or may replace the basic game images with bonus-specific images. (See page 1, paragraphs 0010 and 0011). However, Loose does not teach of all types of bonus awards.

Paulsen teaches a cashless technology in which bonus awards are issued to players wherein the bonus awards themselves are cash, service, merchandise, etc and are issued in the form of a cashless instrument representing the award (See page 1, paragraph 0008; It is known in art that the bonus award depends on the amount of credits) in order to provide an award ticket system which allows award

ticket vouchers to be dispensed and utilized by other gaming machines, increases the operational efficiency of maintaining a gaming machine and simplifies the player pay out process [0004].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the award system as taught by Paulsen into the teachings of Loose in order to provide an award ticket system which allows award ticket vouchers to be dispensed and utilized by other gaming machines, increases the operational efficiency of maintaining a gaming machine and simplifies the player pay out process [0004].

Claims 26, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timothy C. Loose (US 2003/0130033 A1) as applied to claim 21 above. Examiner has taken an official notice that it is known in the slot machine art to include bonus mode in a slot machine game which has audio synchronization with video images. Therefore, it would have been obvious to one in ordinary skill in the art at the time of the invention to have audio synchronization with video display while in the bonus mode. Reason for that is because, once a person enters a bonus mode, he gets a visual and audio message that he has entered a bonus mode or that he has won an award. Another reason for the audio synchronization is to attract and entertain more new guests and customers.

Response to Arguments

8. Applicant's arguments filed 2/15/2007 have been fully considered but they are not persuasive.

In Reference to Claim 1

In response to applicant's argument that Loose is not directed to a "method of delivering a bonus event to a gaming machine selected from a plurality of gaming machines", Examiner respectfully disagrees. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Applicant fails to disclose a structural difference between the claimed invention and the prior art. Conversely, Loose discloses a plurality of machines, in communication with each other and for a gaming machine to generate display indicia on its display in response to sensing a game-related event from an adjacent gaming machine (abstract). Thus, the invention of Loose is capable is performing applicant's intended use.

In response to applicant's argument that Loose does not show every element of the claimed invention in a single reference, Examiner respectfully disagrees. Claim 1 (as amended) is presented as follows to show where each element is in the reference:

Loose discloses a method and gaming machine ("method and gaming machine" [0001]) for delivering a bonus event ("one or more basic game outcomes may trigger a bonus feature" [0011]; method and system of Loose are capable of performing this intended use and steps/acts) to a gaming machine (Fig. 1 "gaming machines" 10 [0010]) selected from a plurality of gaming machines (Fig. 1), comprising:

accepting wagers at first and second gaming machines in a gaming environment ("Each gaming machine...in response to a wager..." [0010] and "gaming establishments" [0003]);

communicating with said first gaming machine to initiate display of a visual bonus indicator ("bonus specific images" [0011]) on a first display (Fig. 1 "video display" 12 [0011]) of said first gaming machine ("If the selected outcome corresponds to a winning outcome, the player is awarded a payout ..." [0010], "One or more basic game outcomes may trigger a bonus feature. The bonus feature may be played on the video display 12 or a secondary mechanical or video bonus indicator distinct from the video display." [0011], and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011]);

terminating the display of said visual bonus feature indicator on said first display (Upon completion of the bonus feature, the CPU shifts operation back to the basic game." [0011]);

communicating with said second gaming machine to initiate display of said visual bonus indicator ("bonus specific images" [0011]) on a second display (Fig. 1 "video display" 12 [0011]) of said second gaming machine (Loose discloses gaming machines

communicating "without requiring the machines to be physically linked to a controller device or to each other." [0003]. This is accomplished by sensors 22 and 24, emitters 26 and 28 [0004] and the CPU [0019] and as shown in Fig. 2. When a basic game triggers a bonus feature in the second gaming machine, Loose discloses in Fig. 3, that there is communication to the second gaming machine not to enter its bonus mode (step 48) until after the "dominant" {here, first} gaming machine in the bank is still operating [0020]; and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011]);

animating in a bonus animation said visual bonus indicator on said second gaming machine display of said second gaming machine ("the display indicia to be synchronized among the bank of gaming machines may include video elements, such as a video image of a moving object. The video elements may be presented on a video display used in the top box display 16 or on the main video display 12." [0021]); and

awarding a bonus award to a player of said second gaming machine ("the bonus feature may depict one or more animated events" [0011]) in response to said bonus animation being animated on said second gaming machine display ("and award bonus amounts based on an outcome of the animated events" [0011]).

Thus, the rejection of claim 1 and the rejections of claims 2-10 are maintained since every element of claim 1 has been shown to be in the reference and claims 2-10 depend on claim 1.

In Reference to Claim 11

In response to applicant's argument that Loose does not show every element of the claimed invention in a single reference, Examiner respectfully disagrees. Claim 11 (as amended) is presented as follows to show where each element is in the reference:

Loose discloses a method and gaming machine ("method and gaming machine" [0001]) of awarding bonus awards ("one or more basic game outcomes may trigger a bonus feature" [0011]; method and system of Loose are capable of performing this intended use and steps/acts) on two or more gaming machines (Fig. 1), comprising:

accepting a first wager at a first gaming machine and accepting a second wager at a second gaming machine ("Each gaming machine... in response to a wager..." [0010] and "gaming establishments" [0003]);

displaying on a first display (Fig. 1 "video display" 12 [0011]) of said first gaming machine a visual bonus indicator ("bonus specific images" [0011]);

in response to said displaying of said visual bonus indicator on said first display of said first gaming machine ("One or more basic game outcomes may trigger a bonus feature. The bonus feature may be played on the video display 12 or a secondary mechanical or video bonus indicator distinct from the video display." [0011], and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011]), awarding a first bonus award to a player of said first gaming machine ("If the selected outcome corresponds to a winning outcome, the player is awarded a payout ..." [0010]);

terminating said display of said visual bonus indicator on said first display of said first gaming machine (Upon completion of the bonus feature, the CPU shifts operation back to the basic game." [0011]);

displaying on a second display (Fig. 1 "video display" 12 [0011]) of said second gaming machine said visual bonus indicator ("bonus specific images" [0011]); and

in response to said displaying of said visual bonus indicator on said second display of said second gaming machine (When a basic game triggers a bonus feature in the second gaming machine, Loose discloses in Fig. 3, that there is communication to the second gaming machine not to enter its bonus mode (step 48) until after the "dominant" {here, first} gaming machine in the bank is still operating [0020]; and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011]), awarding a second bonus award to a player of said second gaming machine ("the bonus feature may depict one or more animated events" [0011]) in response to said bonus animation being animated on said second gaming machine display ("and award bonus amounts based on an outcome of the animated events" [0011]).

Thus, the rejection of claim 11 and the rejections of claims 12-20 are maintained since every element of claim 11 has been shown to be in the reference and claims 12-20 depend on claim 11.

In Reference to Claims 9 and 17

In response to applicant's argument that Loose does not disclose a sequence of acts or that the acts are to be completed in the listed sequence, Examiner agrees. However, under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process (In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986)). Here, since every claim limitation has been presented for claims 1 and 11, as shown above, the invention of Loose inherently is capable of performing the steps, in the order, as claimed by Applicant.

Assuming, as Applicant argues, that "requiring that the display indicia of the gaming machines of Loose only be activated after a first and second gaming machine accepts a player's wager would render Loose unsatisfactory for its intended purpose. While this argument is typically used for rejections under 35 U.S.C. § 103, Examiner reasonably believes that even assuming Applicant's argument the use of the invention of Loose is not eviscerated if used in the method as claimed by Applicant. It is well known that even watching a player at a casino gaming machine has the capability to attract players as a result of the flashing of lights and sound effects. Thus, the rejection of claims 9 and 17 are maintained.

In Reference to Claim 21

In response to applicant's argument that Loose does not disclose a visual bonus indicator indicating to a player an increased likelihood of a bonus award, Examiner respectfully disagrees. Claim 21 (as amended) is presented as follows to show where each element is in the reference:

Loose discloses a system ("method and gaming machine" [0001]) for providing random bonus awards ("one or more basic game outcomes may trigger a bonus feature" [0011]; method and system of Loose are capable of performing this intended use and steps/acts), comprising:

a plurality of gaming machines (Fig. 1) located in a gaming environment ("gaming establishments" [0003]), each of said plurality of gaming machines having thereon a display (Fig. 1 "video display" 12 [0011]) and a value input device for accepting a wager (invention of Loose inherently must have a value input device since Loose discloses "Each gaming machine...in response to a wager..." [0010]);

a visual bonus indicator controller ("CPU within machine 10 randomly selects a basic game outcome ..." [0010]) adapted to coordinate display of a visual bonus indicator ("bonus indicator" with "bonus specific images" [0011] on video display 12) on certain ones of said displays ("One or more basic game outcomes may trigger a bonus feature." [0011]) of said gaming machines, said visual bonus indicator indicating to a player an increased likelihood of a bonus award being awarded on a gaming machine upon which it is displayed (Loose discloses known approaches to create a perception of an increased likelihood of a bonus award "In one proposed approach for attracting

players, an attract display image is spatially or temporally coordinated among a group of adjacent gaming machines to provide viewers with an impression that the gaming machines are linked to one another." [0002]); and

a processor operative to award a bonus award ("One or more basic game outcomes may trigger a bonus feature. The bonus feature may be played on the video display 12 or a secondary mechanical or video bonus indicator distinct from the video display." [0011], and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011]) in connection with certain animations of said visual bonus indicator ("the display indicia to be synchronized among the bank of gaming machines may include video elements, such as a video image of a moving object. The video elements may be presented on a video display used in the top box display 16 or on the main video display 12." [0021] and "the bonus feature may depict one or more animated events" [0011] and "award bonus amounts based on an outcome of the animated events" [0011]).

Thus, the rejection of claim 21 and the rejections of claims 22-31 are maintained since every element of claim 21 has been shown to be in the reference and claims 22-31 depend on claim 21.

In Reference to Claims 3, 7, 13-15, 20, 26-28, and 31

In response to Applicant's argument that claims 3, 7, 13-15, 20, 26-28, and 31 which depend either directly or indirectly on independent claims 1, 11, or 21, are also not anticipated by or rendered obvious over Loose, U.S. Patent No. 6,648,757 to Slomiany et al., U.S. Patent No. 5,876,284 to Acres et al., U.S. Patent Application

Publication No. 2003/0186739 to Paulsen et al., or any combination thereof for at least the same reasons discussed above in connection with independent claims 1, 11, and 21, Examiner respectfully disagrees. Claims 1, 11, and 21 have been shown to be anticipated by Loose. Absent any specific points raised by Applicant, the invention of Loose as modified by Slomiany, Acres, and Paulsen render dependent claims 3, 7, 13-15, 20, 26-28, and 31 obvious. Thus, the rejection of claims 3, 7, 13-15, 20, 26-28, and 31 is maintained since every element of claims 1, 11, and 21 have been shown to be in Loose.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992. The examiner can be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P. D'Agostino
Art Unit 3714

JOHN M. HOTALING, II
PRIMARY EXAMINER